

ORDINANCE

BE IT ORDAINED by the Marion County Council of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957 adopted by the Marion County Council on March 28, 1957, and subsequently amended pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and the Special Use Districts Zoning Ordinance of Marion County, Indiana, Ordinance 66-AO-3 adopted as an amendment thereto, be amended as follows:

That section 2.00 of said Special Use Districts Zoning Ordinance 66-AO-3 be amended by the addition of a new subsection D., to read as follows:

D. In addition to the regulations of section 2.00 A, B, and C, the following regulations shall apply to SPECIAL USE DISTRICT XIII (SU-13):

1. LAND USE RESTRICTION Land use permitted in the SU-13 DISTRICT shall be limited to "sanitary landfill" operations, defined as follows:

"Sanitary landfill": a method of disposing of refuse on land without creating nuisances or hazards to public health, safety, or welfare by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, covering it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary, and in compliance with all requirements and regulations of this ordinance. Whenever the applicable standards or requirements of any other ordinance, or governmental unit or agency thereof are higher or more restrictive, the latter shall control land use permitted in the SU-13 DISTRICT.

"Open Dumping" shall not be permitted in the SU-13 DISTRICT. (For purposes of this ordinance, "open dump" is defined as follows: a site where refuse is dumped, which due to lack of control may create a breeding place for flies and rats, may catch fire or produce air pollution.)

No use in the SU-13 DISTRICT shall be maintained or operated in a manner constituting a hazard to health, safety or the public welfare.

2. MINIMUM LOT AREA Ten (10 acres.
3. MINIMUM FRONTAGE Three hundred (300 feet)
4. MINIMUM YARDS Minimum required depth of front, rear and side yards, surrounding the landfill operation: 300 feet

No landfill operation, or portion thereof, shall be permitted within 300 feet of any lot line.
5. FENCING The entire land fill operation shall be enclosed with a substantial wall, fence at least 5 feet in height, or other adequate barrier,
6. BUFFER STRIP A buffer planting strip, at least 30 feet in depth, shall be provided and maintained between the lot lines and the above required fencing or other enclosure.
7. SIGNS Only necessary identification and directional signs.
8. ACCESS DRIVE Distance of driveway entrance or exit from any adjacent lot line shall be at least 125 feet.

Any portion of such access drive within a distance of 150 feet of the public street shall be paved or treated so as to be dust free.

9. REQUIRED
PERMIT, SITE
& OPERATIONAL
PLAN; BOND

- (1) No sanitary landfill operation (or phase thereof) shall be permitted in the SU-13 DISTRICT until a Permit has been issued by the Metropolitan Planning Department and a bond filed therefor, as required by sub-paragraph (2) hereof.
- (2) Applications for the Permit required by sub-paragraph (1) above shall be made in writing and shall be accompanied by a corporate surety bond for the faithful performance of all applicable requirements of this ordinance, including the operation and completion of the sanitary landfill in accordance with the approved Site and Operational Plan, as required by sub-paragraph (3) hereof. (Such Permit may be issued and bond filed for the total operation or for one or more phases thereof, as shown on the Site and Operational Plan.)

Said bond shall run jointly and severally to the Metropolitan Plan Commission of Marion County, Indiana, and any other governmental agency requiring a similar bond, and shall be in the amount of five hundred dollars (\$500.00) per acre with a minimum of fifty thousand dollars (\$50,000.00) per total operation, with approved surety. Said bond shall specify the time for completion of all applicable requirements of this ordinance and shall specify the total operational area, or phase thereof, covered by the bond.

- (3) Applications for the Permit required by sub-paragraph (1) above shall be accompanied by the following:
 - (a) proposed Site and Operational Plan, including topographic maps (at a scale of not over 100 feet to the inch) with contour intervals which clearly show the character of the land and geological characteristics of the site as determined by on-site testing or from earlier reliable survey data, indicating soil conditions, water tables and subsurface characteristics.

Said Plan shall indicate: the proposed fill area; any borrow area; access roads; on-site drives; grades for proper drainage of each lift required and a typical cross-section of a lift; special drainage devices if necessary; location and type of fencing; structures existing or to be located on the site; existing wooded areas, trees, ponds or other natural features to be preserved; existing and proposed utilities; phasing of landfill operations on the site; a plan and schedule for site restoration and completion; a plan for the ultimate land use of the site; and all other pertinent information to indicate clearly the orderly development, operation and completion of the sanitary landfill. Approval of said Site and Operational Plan by the Executive Director of the Metropolitan Planning Department shall be required prior to the issuance of said permit.

- (b) An area map.

10.. OPERATION

Supervision of operation.

- (a) A landfill operation shall be under the direction of a responsible individual at all times. Access to a sanitary landfill shall be limited to those times when an attendant is on duty and only to those authorized to use the site for the disposal of refuse. Access to the site shall be controlled by a suitable barrier.

Unloading of refuse.

- (b) Unloading of refuse shall be continuously supervised.

Site maintenance.

- (c) Measures shall be provided to control dust and blowing paper. The entire area shall be kept clean and orderly.

Spreading and compacting of refuse.

- (d) Refuse shall be spread so that it can be compacted in layers not exceeding a depth of 2 ft. of compacted material. Large and bulky items, when not excluded from the site, shall be disposed of in a mannner approved by the Division of Public Health.

Daily cover.

- (e) A compacted layer of at least 6 inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.

Final cover.

- (f) A layer of suitable cover material compacted to a minimum thickness of 2 feet shall be placed over the entire surface of each portion of the final lift not later than 1 week following the placement of refuse within that portion.

Maintenance of cover.

- (g) All daily cover depths must be continually maintained and final cover depths shall be maintained for a period of two years.

Hazardous materials, including liquids and sewage.

- (h) Hazardous materials, including liquids and sewage, shall not be disposed of in a sanitary landfill unless special provisions are made for such disposal through the health department having jurisdiction. This provision in no way precludes the right of a landfill operator to exclude any materials as a part of his operational standards.

Burning.

- (i) No refuse shall be burned on the premises.

Salvage.

- (j) Salvaging, (the controlled removal of reusable materials), if permitted, shall be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards. Scavenging (the uncontrolled removal of materials) shall not be permitted.

Insect and rodent control.

- (k) Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental insect and rodent control measures shall be instituted whenever necessary.

Drainage of surface water.

- (l) The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.

Characteristics of cover material.

- (m) Cover material shall be of such character that it can be compacted to provide a tight seal and shall be free of putrescible materials and large objects.

Water pollution and nuisance control.

- (n) Sanitary landfill operations shall be so designed and operated that conditions of unlawful pollution will not be created and injury to ground and surface waters avoided which might interfere with legitimate water uses. Water-filled areas not directly connected to natural lakes, rivers or streams may be filled with specific inert material not detrimental to legitimate water uses and which will not create a nuisance or hazard to health. Special approval of the inert material to be used in this manner shall be required in writing from the Division of Public Health. Inert material shall not include residue from refuse incinerators.

Equipment

- (o) Adequate numbers, types and sizes of properly maintained equipment shall be used in operating the landfill in accordance with good engineering practice

and with these rules. Emergency equipment shall be available on the site or suitable arrangements made for such equipment from other sources during equipment breakdown or during peak loads.

11. COMPLETION
OF LANDFILL

Upon completion of the landfill operation, or any phase thereof as indicated on the approved Site and Operational Plan, the land shall be graded, backfilled and finished to a surface which will:

- (a) result in a level, sloping or gently rolling topography in substantial conformity or desirable relationship to the original site, and land area immediately surrounding, and
- (b) minimize erosion due to rainfall. Such graded or backfilled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of vegetation producing land areas immediately surrounding, and to a depth of at least six (6) inches.

Said topsoil shall be planted with trees, shrubs, legumes or grasses, as indicated on the approved Site and Operational Plan.

NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after this date.

Beurt R. SerVaas

William K. Byrum

Rozelle Boyd

Dwight L. Cottingham

Wm. A. Brown

Dated: May 10, 1967

Attest: John T. Sutton

AUDITOR OF MARION COUNTY, INDIANA

THE MARION COUNTY COUNCIL
OF
MARION COUNTY, INDIANA